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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,788	03/11/2004	Kuon Jen Lee	8022-001	5627

7590 04/26/2006

Law Office of William B. Ritchie  
43 Jackson Street  
Concord, NH 03301

EXAMINER
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VANTERPOOL, LESTER L

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/798,788

Applicant(s)

LEE, KUON JEN

Examiner

Lester L. Vanterpool

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelson (U.S. Patent Number 4258870) in view of Johnston (U.S. Patent Number 6029875), Hine, Jr., (U.S. Patent Number 3937374) and Shelhart (U.S. Patent Number 521796). Edelson discloses supporting rods (1a) that connect the luggage rack (1) to

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the two-wheeled vehicle (2) (column 2, line 55 – 61) (See Figure 1); the rectangular body (1) having supporting elements (1b, 1c, 6, 7 & 8) (column 2, line 57 – 59 & column 2, line 65 – 68 & column 3, line 1 – 3) (See Figure 4) and connected to the supporting rods (1a), wherein the supporting elements (1b & 1c) further comprise semicircular molding separated by respective tubes (See Figure 4).

However, Edelson does not disclose an upper rectangular bag attached to the supporting elements of the rectangular body.

Johnston teaches the upper rectangular bag (10) attached to the supporting elements of the rectangular body (14) (See Figures 2 - 4) for the purpose of transporting additional items. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the upper rectangular bag attached to the supporting elements as taught by Johnston with the anti-theft luggage rack of Edelson to enhance the quantity of items the user can storage and transport.

Edelson further discloses two opposing side saddlebags (15), each saddlebag (15) having rigid tubular handle (6) (See Figure 3) (column 2, line 65 – 66), wherein the opposing side saddlebags (15) are also attached to the rectangular body (1) (See Figures 2 - 4 & 7).

However, Edelson does not disclose a U-shaped rigid rod with a cylindrical lock and a key.

Shelhart teaches the U-shape rigid rod (12) with a cylindrical lock (14) and key (column 4, line 53 – 58) for the purpose of providing security. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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make the U-shape rigid rod with cylindrical lock and key as taught by Shelhart with the anti-theft luggage rack of Edelson in order to enhance security.

Edelson disclose the opposing side saddlebags (15) are attached to the supporting elements (1b, 1c, 6, 7 & 8) (column 2, line 57 – 59 & column 2, line 65 – 68 & column 3, line 1 – 3) (See Figure 4) of the rectangular body (1).

However, Edelson does not disclose the upper rectangular bag. Johnston teaches the upper rectangular bag (10) for the purpose to storing and transporting additional items. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the upper rectangular bag as taught by Johnston with the anti-theft luggage rack of Edelson in order to enhance storage capacity.

Edelson does not disclose the rectangular body attached via the U-shape rigid rod and locked into place with the cylindrical lock and key.

Shelhart discloses the rectangular body is attached via the U-shape rigid rod (12) and locked into place with the cylindrical lock (14) and key (column 4, line 53 - 58) for the purpose of provided adequate security. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the rectangular body attached via the U-shape rigid rod and locked into place with the cylindrical lock and key as taught by Shelhart with the anti-theft luggage rack of Edelson in order to enhance security.

Regarding claim 2, as stated above in claim 1, Johnston discloses the rectangular bag (10) has a rigid internal base (See Figures 2 & 9) for the purpose of

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anchoring the rectangular bag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the rectangular bag with a rigid internal base as taught by Johnston with the anti-theft luggage rack of Edelson in order to enhance anchoring and securing the bag to prevent movement.

Regarding claim 3, as stated above in claim 2, Johnston discloses the rigid internal base (See Figures 2 & 9) of the rectangular bag (10) also has the set of semicircular moldings (37) separated by respective tubes (38) that are used to attach the rectangular bag (10) to the rectangular body (14) (column 4, line 28 – 39) for the purpose of providing adequate anchoring. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the rigid internal base of the rectangular bag as taught by Johnston with the anti-theft luggage rack of Edelson in order to enhance anchoring functionality.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edelson (U.S. Patent Number 4258870) in view of Johnston (U.S. Patent Number 6029875) in view of Hine, Jr., (U.S. Patent Number 3937374) and in view of Shelhart (U.S. Patent Number 521796) as applied to claim 3 above, and further in view of Champagne (U.S. Patent Number 6843396). Edelson, Johnston, Hine, Jr., and Shelhart disclose the invention substantially as claimed.

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However, Edelson, Johnston, Hine, Jr., and Shelhart do not disclose the rigid tubular handles of the saddlebags are used to attach the saddlebags to the rectangular body.

Champagne teaches the rigid tubular handle (38) of the saddlebags is used to attach the saddlebags to the rectangular body (16) (See Figures 1 & 4) for the purpose of securing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the rigid tubular handle of the saddlebags as taught by Champagne with the anti-theft luggage rack of Edelson in order to adequately secure the stored load.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LLV

  
**JES F. PASCUA**  
**PRIMARY EXAMINER**